

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to career and technical education and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 46, “Career and Technical Education,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 258.

Purpose and Summary

Items 1, 2, 3, 6, 8, and 12 are nonsubstantive, clarifying modifications to existing rules.

Item 4 adds policy language to a previously reserved rule. The language details the process to be followed for programs that do not meet program requirements established in this chapter.

Items 5, 7, 9, 10, and 11 implement the provisions of 2018 Iowa Acts, House File 648, passed by the Iowa Legislature and signed by Governor Reynolds during the 2018 Legislative Session. The items relate to the disbursement, monitoring, and allowable uses of state career and technical education funds.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

An agencywide waiver provision is provided in 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 30, 2018. Comments should be directed to:

Nicole Proesch
Department of Education
Grimes State Office Building, Second Floor
Des Moines, Iowa 50319-0416
Phone: 515.281.8661
Email: nicole.proesch@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 30, 2018
10 to 11 a.m.

State Board Room, Second Floor
Grimes State Office Building
East 14th Street and Grand Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 281—46.1(258) as follows:

281—46.1(258) Federal Act accepted. The provisions of the Act of Congress known as the Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations, and the benefit of all funds appropriated under said Act and all other Acts pertaining to career and technical education, are accepted.

ITEM 2. Amend paragraph **46.6(1)“b,”** introductory paragraph, as follows:

b. Program report and self-study. A district shall create a program report and self-study for each offered program. The program report and self-study shall include ~~narrative on~~ the following minimum criteria:

ITEM 3. Amend subparagraph **46.6(3)“a”(1)** as follows:

(1) Conclusions drawn from annual program measurement. A district shall, for each program, annually review and evaluate program outcomes and student assessment data. The district shall ~~describe~~ document any conclusions drawn from the review and evaluation of program outcomes and student assessment data, and how those conclusions impact the future direction of the program. In addition to and as a result of this review, the district shall identify program strengths, in order of importance, and describe how these strengths will be maintained; perceived barriers to accomplishing the program's goal(s) and objective(s); and primary opportunities for improvement, in order of importance, and how these opportunities for improvement will be addressed. The district shall also review program enrollment and participation data by high school to determine if students from each participating high school have access to the program. The district shall describe how the district is ensuring access to the program for all students from each participating high school.

ITEM 4. Adopt the following new rule 281—46.7(258):

281—46.7(258) Accreditation standards not met.

46.7(1) The following shall be conditions under which a district has failed to meet accreditation standards:

a. A district fails to submit a program for approval under rule 281—46.6(258).

b. A program fails to comply with the corrective action process outlined in paragraph 46.6(1) “*d*” or 46.6(3) “*c*.”

46.7(2) Any findings under subrule 46.7(1) shall be documented and reviewed as part of the comprehensive desk audit established under Iowa Code section 256.11(10) “*a*”(1).

a. A program identified under paragraph 46.7(1)“*a*” shall not be used by a district to meet minimum education program requirements for career and technical education specified under 281—paragraph 12.5(5)“*i*.” Such a program is ineligible to receive funds distributed under rule 281—46.9(258).

b. A program identified under paragraph 46.7(1)“*b*” shall not be used by a district to meet minimum education program requirements for career and technical education specified under 281—paragraph 12.5(5)“*i*.”

ITEM 5. Amend subrule 46.9(1), introductory paragraph, as follows:

46.9(1) An approved regional career and technical education planning partnership is eligible to receive from state funds reimbursement for expenditures made during the fiscal year school districts and community colleges participating in the regional career and technical education planning partnership for purposes allowed under subrule 46.10(6). ~~If federal and state funds are not sufficient to make the reimbursement to the extent provided in this rule, the director shall prorate the respective amounts available to the regional career and technical education planning partnerships entitled to reimbursement.~~

ITEM 6. Amend subrule 46.9(2) as follows:

46.9(2) All federal funds shall be spent pursuant to the state plan required under the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations.

ITEM 7. Adopt the following **new** subrule 46.9(3):

46.9(3) Monitoring. An approved regional career and technical education planning partnership receiving funds under this rule shall comply with financial monitoring processes established by the department.

a. At the end of the state fiscal year, the fiscal agent of an approved regional career and technical education planning partnership shall submit to the department financial forms and other evidence documents required by the department to complete a comprehensive review of all transactions completed during the previous fiscal year which involve state and federal funds issued to the approved regional career and technical education planning partnership by the department. Documentation shall be submitted by the regional career and technical education planning partnership in a manner prescribed by the department.

b. Instances of transactions involving state and federal funds issued to an approved regional career and technical education planning partnership that are found to be noncompliant with state and federal regulations governing the use of such funds, including but not limited to subrule 46.10(6), shall be documented by the department.

(1) The fiscal agent of the approved regional career and technical education planning partnership shall be notified of any instances of noncompliance, and prepare, in consultation with the regional career and technical education planning partnership and department, a corrective action plan. The plan shall, at a minimum, detail the policies and procedures to be implemented by the fiscal agent to ensure that subsequent transactions involving state and federal funds issued to the regional career and technical education planning partnership are compliant with applicable state and federal regulations.

(2) The corrective action plan shall be approved by the regional career and technical education planning partnership and submitted to the department for approval through the annual approval process established under subrule 46.10(2). The department shall review and approve or deny approval of the corrective action plan. A regional career and technical education planning partnership required to create a corrective action plan must secure approval of the corrective action plan to be awarded continuing approval. A regional planning partnership that fails to secure continuing approval shall be subject to the requirements of paragraph 46.10(2)“*c*.”

ITEM 8. Amend paragraph **46.10(2)“b”** as follows:

b. *Continuing approval.* By June 30, 2018, and for each subsequent year, each partnership shall have adopted a multiyear plan meeting the requirements of subrule 46.10(5). The multiyear plan and documents required under paragraph 46.10(2)“*a*” shall be reviewed and, as necessary, revised on an

annual basis by the partnership and submitted to the department. To maintain approval, the partnership shall maintain evidence that the duties assigned to the partnership under subrule 46.10(4) are performed on a continuing basis. In awarding continuing approval, the department shall consider documented findings from the financial monitoring process established under subrule 46.9(3).

ITEM 9. Amend paragraph **46.10(4)“b”** as follows:

b. Collect and review all relevant plans required by the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations; career and academic plans required under 281—Chapter 49; and regional labor market, socioeconomic, and demographic information.

ITEM 10. Amend subrule 46.10(6), introductory paragraph, as follows:

46.10(6) *Secondary career and technical education funds.* An approved regional career and technical education partnership may use funds received from state and federal sources on behalf of school districts and community colleges participating in the regional career and technical education planning partnership for the following:

ITEM 11. Amend paragraph **46.10(6)“b”** as follows:

b. To offer regional career and technical education professional development opportunities; coordinate and, maintain, and support a career guidance system pursuant to 281—Chapter 49; and related work-based learning opportunities for students; and purchase career and technical education equipment on behalf of school districts and community colleges participating in the regional career and technical education planning partnership and curricular resources to include standard classroom consumable supplies directly related to and necessary for the course curriculum, other than basic consumable supplies that will be made into products to be sold or used personally by students, teachers, and other persons. All expenditures on allowable uses specified under this paragraph must conform to the requirements of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations.

ITEM 12. Amend subrule 46.11(4) as follows:

46.11(4) *Compliance.* Districts and community colleges shall maintain compliance with the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations, in implementing career academies.